

# **Draft Decision Notice and Finding of No Significant Impact for the Fourmile Vegetation Project**

## **USDA Forest Service Eagle River- Florence Ranger District Chequamegon-Nicolet National Forest**

This document presents a brief summary of the Fourmile Vegetation Environmental Assessment (EA) and documents my decision and rationale. This project was developed to meet the Forest's responsibility to implement goals and objectives identified under the Chequamegon-Nicolet National Forest's 2004 Land and Resource Management Plan (Forest Plan).

### **Decision**

After careful review of the Fourmile Vegetation EA, the project record, as well as input from the interdisciplinary team and the public, I have selected to implement the proposed action fully described in Chapter 2 of the EA. My decision and findings are based upon my expertise and knowledge of the project area, review of the Fourmile Vegetation EA, the biological evaluation, other resource analyses prepared to support the EA and the Forest Plan.

My decision will result in the authorized actions listed below:

- Approximately 11,700 acres of vegetation management (projected 45.42 million board feet of commercial timber harvest);
- 577 acres of fuels reduction pertaining to wildfire probability and reforestation;
- An estimated 5.3 miles of dozer control lines for prescribed burns;
- 36.1 miles of hunting hiking trails maintenance and 134 acres of wildlife opening maintenance;
- Initiate, maintain, or enhance four forest research studies in the project area;
- 1.2 miles of new road construction, 0.2 mile temporary road construction, 46.4 miles of road reconstruction, 50.7 miles of unauthorized roads added to the National Forest Transportation System as closed to public motor vehicle use, 0.9 mile of unauthorized roads added to the system as open to public motor vehicle use and added to the MVUM (totaling 51.6 miles), 48.9 miles of road converted to trail, 147.2 miles of road decommissioning, and a possible 1.0 mile of National Forest System Road closure and removal from Motor Vehicle Use Map (MVUM).

Site specific information about all the treatment areas in my decision (including locations of the treatments) is included in the Appendices of the Fourmile Vegetation EA, Appendix A: Stand List with Activities and Appendix I: Maps.

My decision includes the project applicable Forest Plan standards and guidelines, Wisconsin Best Management Practices, and design features as identified in the EA, Appendix B: Direction for Activities Explained – Design Features & Criteria and Forest Plan Direction. These are an integral part of my decision and reduce or prevent environmental impacts. My decision presumes that these features are effectively implemented along with the project activity.

## Reasons for the Decision

The purpose and need of the Fourmile Vegetation Management Project is to maintain and manage vegetation communities to their desired conditions as described in the 2004 Chequamegon-Nicolet Forest Land and Resource Management Plan (referred to as the Forest Plan). This project will also maintain or enhance existing forest research studies; contribute toward satisfying demand for wood products; provide a safe and effective road system; increase public safety related to wildfire potential; and maintain or enhance recreation experiences. The selected alternative will promote the long-term health and productivity within the project area. The purpose and need of the Fourmile Vegetation Project identified these five goals and associated needs of the Forest Plan that the project moves towards achieving:

Purpose A. Maintain or restore vegetation communities to their desired conditions in Management Areas (MA) 2A, 2B, 4A, 4B, and 8A (Forest Plan Objective 1.4a).

- Need 1. Reduce stocking levels in overstocked forested stands within Management Area 2A, 2B, 4A, 4B, and 8A.
  - Current condition: the Fourmile Project Area has a variety of vegetation types that are overstocked. All species in the Northern Wisconsin area when they reach overstocked or crowded conditions growth and vigor starts to decrease rapidly increasing the likelihood of trees being less resilient to insects and diseases.
- Need 2. Maintain or move northern hardwood stands toward an uneven-aged condition consistent with Forest Plan direction while maintaining or enhancing within stand species diversity.
  - Current condition: in management areas 2A, 2B, 4A, 8A, and 8D of the Fourmile Project area, there are about 6,982 acres that have been identified as overstocked, in need of improved stand structure and suitable for timber production.
- Need 3. Improve age class distribution, moving stands toward Forest Plan desired conditions.
  - Current condition: most of the main species age class distributions of the Fourmile Project Area are terribly skewed towards the older age classes. Too much of the composition being in the older age classes can lead to a reduction of a species in that area, reduction in resiliency against insects and disease, and stagnation of a stand. Currently, there is an overabundance of older age and a shortage of youngest age classes in the project area.
- Need 4. Improve tree species composition to more closely reflect Forest Plan desired conditions.
  - Current condition: there is a need to convert some species into others to better meet Forest Plan standards. Having a diverse forest on a landscape basis is important to keep up forest health and to maintain habitat for a variety of species. Conversion would be accomplished if the action alternative is chosen by means of shelterwoods with underplanting to encourage long lived species, overstory removals to release the existing understory, and some thinnings to remove certain species.
- Need 5. Maintain or enhance existing forest research studies (e.g. continue research studies in the Argonne Experimental Forest or develop new research studies) to address vegetation concerns.

- Current condition: research is a very important aspect within forest management. It helps managers to see that they are currently doing the right practice for each forest type or shows them an alternative of what might be better for certain stands within the ever-changing environment. Forests and forest dynamics change overtime either due to environmental factors or man-made changes. Experimental forests allow research to be done to allow managers to keep up with the newest, and best available science. Currently there are three experiments going on within the Argonne Experimental Forest and two studies going on the Eagle River Florence Ranger district. All of these projects are within the Fourmile Project area and are due for another treatment to allow for the studies to continue.

Purpose B. Contribute toward satisfying demand for wood products and special forest products through environmentally responsible harvest on National Forest System lands (Forest Plan Objective 2.5).

- Need 6. Utilize commercial harvest as the preferred tool to achieve project objectives, contributing to the demand for forest products.
  - Current condition: there are about 13,112 acres of overstocked or mature/over mature stands in the project area. To meet Forest Plan species composition, species age class, and forest health objectives there is a need to manipulate some of these stands through standard silvicultural techniques outlines in the Forest Plan (some overstocked stands would not be treated due to access issues, wildlife concerns, or sensitive species/object concerns). Consequently, to achieve Forest Plan objectives of species composition, age class distribution, and forest health results in producing wood products which would satisfy demand in an environmentally responsible fashion.

Purpose C. Need to provide a safe and effective road system (Forest Plan Goal 3.1).

- Need 7. Build and maintain safe, efficient, and effective infrastructure that supports public and administrative uses of National Forest System lands.
  - Current condition: numerous roads on the forest have been found to be unauthorized roads or in poor condition on Forest Service land. Approximately 141 miles of unauthorized roads occur within the Fourmile project area, these roads have been found to have a low use value to manage the forest and some are disrupting the ecological functions of the land. Another 52 miles (approx.) are in need of reconstruction or maintenance to safely meet current Forest Service and public use. A further 49 miles (approx.) of unauthorized or unneeded roads for management activities are slated to be converted to trails. Lastly, less than 2 miles are needed to be constructed to support proposed management activities. A complete analysis of the roads in the Fourmile project area can be found in the Travel Analysis report and the Travel matrix in the project record.

Purpose D. Increase public safety related to wildfire potential (Forest Plan Objective 2.8c).

- Need 8. Reduce hazardous fuels within communities at risk.
  - Current condition: hazardous fuel levels are rising within the CNNF Eagle River-Florence Ranger District (ERFL). Additionally, the townships of Hiles and Three Lakes within the ERFL Ranger District boundary have been identified as having a high risk for potential wildland fire. These areas were nationally recognized as such in the Federal Register as a 'Community-at-Risk' (Federal Register January 4, 2001).

Purpose E. Maintain or enhance the diversity and quality of recreation experiences within acceptable limits of change to ecosystem stability and condition (Forest Plan Goal 2.1).

- Need 9. Maintain the Scott Creek, Kimball Creek, and Nine-Mile hunter hiking trails (HHT) and associated wildlife openings.
  - Current condition: the Scott Creek, Kimball Creek, and Nine-Mile hunter hiking trails (HHT) and associated wildlife openings are in need of continued maintenance to ensure their existence at their desired condition and to maintain public access.

Based on my review of the Proposed Action and the Forest Plan, I have made the following determinations:

- The Fourmile Project addresses forest health concerns by managing stands for a mix of tree species (well-suited for site conditions) and a better balance of age classes to ensure future plant and habitat diversity in species composition and stand structure within the project area for a variety of wildlife species (Goal 1.4);
- The Fourmile Project addresses the goal to maintain or enhance existing forest research studies (e.g. continue research studies in the Argonne Experimental Forest or develop new research studies) to address vegetation concerns. (Goal 1.4);
- The Fourmile Project addresses forested stands that are overstocked and prone to forest insects and diseases, thinning these stands will create healthier forest into the future that is more resilient to threats of possible insect and disease outbreaks. (Goal 1.4);
- The Fourmile Project's byproduct of Goal 1.4 is satisfying demand for wood products (Goal 2.5) to the local industry through the act of implementing vegetation management in the form of timber sales to ensure future healthy, diverse and productive terrestrial ecosystems (Goal 1.4). This project is expected to provide about approximately 45 million board feet of wood products;
- The Fourmile Project addresses road and infrastructure need to support all Forest Plan goals identified in the project, while addressing access to the general public (Goal 3.1);
- The Fourmile Project addresses a public safety concern of wildfire hazards by reducing hazardous fuels (Objective 2.8c);
- The Fourmile Project addresses the need to maintain or enhance the diversity and quality of recreation experiences through the maintenance of the Scott Creek, Kimball Creek, and Nine-Mile hunter hiking trails (HHT) and associated wildlife openings (Goal 2.1);
- The Fourmile Project is consistent with strategies described in the Forest Plan for specific Management Area direction and working towards those goals of the Management Areas;
- The Fourmile Project's scope and scale is typical of other multiple use management projects found on the Chequamegon-Nicolet National Forest, based on the activities in the proposed action;
- The Fourmile Project is consistent with silviculture strategies as appropriate methods described in the Appendix F of the Forest Plan, and;
- The Fourmile Project incorporates all relevant management requirements, including applicable Forest Plan standards and guidelines.

When compared to the no action, this alternative will meet the purpose and need. In the absence of active management tree species that require disturbance to regenerate – including aspen, paper birch, oak, red pine, and jack pine – would decline over time and may be dominated by hardwood species with relatively poor growth potential. As older aspen, oak, and paper birch stands continue to decline and transition to other species there will be reduced opportunities to regenerate them naturally, and less stumpage value available to fund tree planting and other Forest improvement projects. Overstocked

hardwood stand would be less resilient to insect and disease without selection harvests. This decision will allow stand maintenance and regeneration; meeting Forest Service policy “to cultivate and maintain tree stands in a manner that promotes and achieves a diverse pattern of vegetation that best meets the needs of people now and in the future” (FSM 2402).

Based on these determinations, I have found the Proposed Action of the Fourmile Project to be consistent and anchored to the direction of the Forest Plan. The Proposed Action meets the purpose and need, while adhering to direction of the Forest Plan and working towards the desire future conditions outlined in the Forest Plan.

By selecting the proposed action for my decision, this approves vegetation management that would create temporary opening larger than 40 acres in size (described further in section 2.2.1 in the EA, p. 12). In the project there are 8 stands that result in openings above 40 acres; 6 of the stands are less than 40 acres but the compartment they create together results in a single opening above 40 acres. The National Forest Management Act includes provisions for a limitation of temporary opening size. Exceptions to this limitation are allowed by Regional Forester review and a 60-day public notice. The request for the exception was submitted to the Regional Forester on 01/29/2020 and was approved 03/04/2020.

## Public Involvement and Scoping

Beginning in June 2017, this project was listed online on the Forest website at <https://www.fs.usda.gov/project/?project=51959>. It was published in the official Quarterly Schedule of Proposed Action (SOPA) with the September 2017 edition. This schedule was mailed or emailed to dozens of individuals and was available on the World Wide Web for those people interested in proposals occurring on the Forest. Stakeholder outreach began for this project in summer 2017 with the 30-day public scoping period on June 15, 2017. Further outreach occurred with the 30-day notice and Comment Period on May 29, 2019. The 30-day comment period included the Environmental Assessment which included purpose, need, proposed actions and effects analysis. Topics brought forth by the public included, but were not limited to, concerns on: lack of early successional forests, use of clearcuts, use of herbicide, and the use of prescribed burns. Comments were received both in support and against the proposed actions.

### Public Outreach for Deviation from Forest Plan Guideline

To meet the vegetation management needs identified, the proposed action includes 3 compartments covering 8 stands with temporary openings that would exceed 40 acres. Clearcuts above 40 acres is a deviation from the Forest Plan guidelines and requires public outreach and approval from the Regional Forester.

The 8 stands above 40 acres are:

- 178 acres of clearcut spread over 6 stands are Management Area 4B;
- 49 acres in one stand in Management Area 4A;
- 124 acres in one stand in Management Area 2A.

The required 60-day public notice was accomplished through the 30-day public scoping (06/15/2017) and the 30-day comment period (05/29/2019) whose legal notice was published in the *Northwoods River News*, our Paper of Record. The 60-day commenting period on the creation of temporary openings larger than 40-acres started at the same time as the 30-day scoping period and again at the 30-day comment period.

There were no comments received during scoping that specifically opposed the proposed deviation from the Forest Plan of openings above 40 acres. However, some comments were received during

scoping that opposed clearcuts of any size though several comments were also received that supported the 40-acre clearcut proposal. During the 30-day comment period, two local commenters sent in their support for clearcuts and/or the 40-acre deviation. Three public comments were received during the 30-day comment period opposing the 40-acres deviation. One commenter suggested utilizing smaller cuts or utilizing a stepwise harvest scenario “Cut ½ now and ½ later”; the other commenter wished to avoid any clearcutting or thinning in a specific stand purported to be a wetland. The last commenter revolved mostly around clearcutting out west and/or public perception of clearcutting.

These comments were taken into consideration, however if cuts are reduced or delayed then over time more stands would be dominated by hardwood species with relatively poor growth potential and limited wildlife habitat value. If the oldest stands are not regenerated soon then some stands over the next several decades may not meet minimum productive stocking levels without active reforestation efforts. With thousands of acres of relatively poorly stocked, low vigor stands, future managers will have little opportunity to diversify age classes across the landscape and an increased reforestation cost to meet forest management guidelines. For wetland concerns, any proposed treatment areas will utilize Forest Plan standards and no treatments will take place within a wetland and, whenever possible, Wisconsin Best Management Practices (BMP) for water quality will be followed which will further avoid impacts to water bodies/ wetlands. The interdisciplinary team reviewed all the comments to determine whether they contained any issues. I did not identify any issues from the public or internal comments and thus no additional alternatives were developed though small modifications were made to the Action Alternative (Alternative 2) (EA Chapter 2). A detailed response to each comment is located in Appendix C of the EA.

## **Tribal Consultation**

Tribal consultation was initiated on June 15, 2017 and was open throughout the project. Concerns were raised on the location of heritage sites within the project area. The Forest heritage program manager has reached out and communicated with Tribal contacts to address these concerns. As per our practices, any known or encountered heritage site is avoided within the project area.

Contacts included: Fond du Lac Band of Lake Superior Chippewa Indians; Forest County Potawatomi Community; Great Lakes Indian Fish and Wildlife Commission; Keweenaw Bay Indian Community; Lac du Flambeau Band of Lake Superior Chippewa Indians; Lac Vieux Desert Band of Lake Superior Chippewa Indians; Mille Lacs Band of Chippewa Indians; and Mole Lake Band of Lake Superior Chippewa Indians/ Sokaogon Chippewa Community (Mole Lake).

## **Findings Required by Other Laws and Regulations**

**Clean Air Act of 1970:** This was designed to control air pollution on a national level and authorizes the Environmental Protection Agency to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. Detailed burn plans are prepared and implemented for each prescribed burn in the Fourmile Project to ensure that objectives are met and sensitive receptors are protected. These plans include a specific section on smoke management which specifies minimum requirements for smoke dispersal to ensure potential effects to safety, human health and other resources are mitigated.

**Clean Water Act of 1972 (as amended, 1977):** The Federal Water Pollution Control Act of 1972, as amended, is commonly referred to as the Clean Water Act. This was enacted to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters and sets the basic structure for regulating discharges of pollutants into U.S. waters. Section 319 for the 1977

amendments requires each state to develop and implement a program to control silviculture- related and other non-point sources of water pollution to the maximum extent practicable. Non- point sources of water pollution are controlled by the use of best management practices.

Wisconsin developed Forestry Best Management Practices for Water Quality in 1995. These practices (as amended) would be required for this project to prevent non-point sources of water pollution from forest management activities (EA p. 36-37 & Appendix B & Appendix F).

**Endangered Species Act of 1973, as amended 1978, 1979, 1982, and 1988 (16 U.S. C. 1531):** The goal of this act is first to prevent extinction of endangered plants and animals and, secondly, to recover these populations by preventing threats to their survival. The act provides direction to the Forest Service to establish objectives for habitat management and recovery through the Forest Plan for the conservation and protection of endangered and threatened species. It requires federal agencies to "... *implement a program to conserve fish, wildlife, and plants . . . to insure their actions do not jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of critical habitat.*" All federally listed species were considered in the biological evaluation for this project. Northern long-eared bat (NLEB) has the potential to be adversely impacted by the proposed activities and other ongoing vegetation management projects being conducted on the Chequamegon-Nicolet National Forest. A biological assessment of impacts to NLEB was prepared and submitted to the US Fish and Wildlife Service (USFWS) for consultation. The USFWS consulted on, completed, and approved the Fourmile Vegetation project activities as the proposed action are not likely to jeopardize the continued existence of the NLEB.

**Environmental Justice (Executive Order 12898)** - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. Public involvement occurred for this project, the results of which have been considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations.

**National Forest Management Act (NFMA) of 1976:** To comply with NFMA all stands were inventoried and categorized for suitability of harvesting or meeting other objectives.

**Chequamegon-Nicolet National Forests 2004 Land and Resource Management Plan (Forest Plan):** This project has been designed according to direction in the 2004 Forest Plan. The Chequamegon-Nicolet National Forest Land and Resource Management Plan (Forest Plan) provides Forest-wide Goals, Objectives and desired future conditions as defined in various management areas. Achieving the desired future condition is guided by both forest-wide (Forest Plan pages 2-1 through 2-38) and management area specific standards and guidelines (Forest Plan pages 3-1 through 3-60). A "standard" is defined as a course of action that must be followed, or a level of attainment that must be reached, to achieve forest goals. Deviation from a standard must be analyzed and documented in a Forest Plan amendment. A "guideline" is also a course of action that must be followed. However, guidelines relate to activities where site-specific factors may require some flexibility. Deviations from a guideline, such as creating openings above 40 acres (see above), must be analyzed and documented in a project level environmental assessment or environmental impact statement. An interdisciplinary team review of all Forest Plan standards and guidelines was conducted for this project and incorporated into the proposal as applicable (EA, Appendix B: Direction for Activities Explained – Design Features & Criteria and Forest Plan Direction).

**National Historic Preservation Act of 1966 (16 U.S.C. 470):** This act secures protection of archaeological resources and sites on public and Indian lands. It provides direction for federal agencies to establish a program for preservation of historic properties. In compliance with this act, a review was conducted to determine if cultural resource surveys had been conducted within the project area, and if sites had been recorded. Cultural resource sites identified within the project area will be protected based on recommendations by the Forest Archeologist. All listed, eligible, or unevaluated

historic properties within treatment units will be avoided by project actions and project design criteria. Therefore, the project will not knowingly or intentionally result in the loss or destruction of any significant scientific, cultural, or historic resources.

## **Finding of No Significant Impact**

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). After considering the environmental effects described in this environmental assessment and project record, I have determined that these actions will not have a significant effect on the quality of the human environment. In my finding I have considered both context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

### **Context**

The setting of this action is limited to the Fourmile project area which is in the southwest portion of the Eagle River- Florence Ranger District of the Chequamegon-Nicolet National Forest (CNNF). Specifically, the Fourmile project is south of Highway 70 and continues to the border of the Argonne Experimental Forest. All relevant adverse effects are confined to the stand treated and/or local communities.

This project is consistent with similar activities implemented in the past by the Chequamegon-Nicolet National Forest, which lead toward achieving the goals, objectives, and requirements in the Forest Plan, while meeting the purpose and need of the Fourmile Project. The project is a site-specific action that does not have international, national, regional, or statewide importance. The physical and biological effects of the selected actions were analyzed at appropriate scales, such as within the project area, adjacent to the project area, or across a larger landscape.

Even in a local context, my decision would not pose significant short- or long-term effects. The proposal's relatively small scale limits its effects on the natural resource values and uses. Design features included in my decision minimize and avoid adverse impacts to the extent that such impacts for some resources are not measurable, even at the local level (see Chapter 3 of the EA, pp. 21-40).

### **Intensity**

My review of the interdisciplinary analysis finds the intensity of effects from implementing the selected action to be small and minor. A measure of the severity, extent, or quantity of effects, is based on information from the effects analysis disclosed in the EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project, given above, and intensity of effects using the ten factors identified in 40 CFR 1508.27(b) and listed below.

**1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on the balance the effects will be beneficial.**

My finding of no significant environmental effects is not biased by the beneficial effects of the action. I have considered and disclosed adverse impacts individually to determine significance and did not use beneficial impacts to "balance" out the significance of adverse impacts (see Chapter 3 of the EA).



**2) The degree to which the proposed action affects public health or safety.**

This type of action has been used many times on the Forest with no impact to public health and safety. There are no circumstances or conditions associated with my selected action to indicate there would be unusual or substantial risks to public health and safety. It was not a concern in public comments, and hence it did not become an issue in the analysis. Considering the effects disclosed in EA, and the information contained in the project file, I conclude that implementing the chosen alternative with mitigation would not significantly affect public health or safety (see Chapter 3 of the EA).

**3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There will be no significant effects on unique characteristics of the area by the Fourmile Project; a summary of resource impacts can be found in Chapter 3 of the EA. In addition, the supporting documentation that expands on the summary information provided in the EA can be found in the resource reports in the project record which provides sufficient information to determine that this project will not significantly affect any known unique characteristics of the geographic area such as wetlands (see the EA's Water Resource section, p. 36) or cultural resources (see Cultural Resources section, p. 39).

**4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

All actions proposed are similar in type and intensity to activities that have occurred in the past on the Eagle River-Florence Ranger District. A range of comments were received during the 30-Day Notice and Comment Period in response to the project's proposals, including comments supporting and opposing the proposed action (see Appendix C of the EA – 30 Day Comments and Responses). The differences in comments reflect a range of opinions and do not of and by themselves constitute controversy. I interpret the controversy criterion in a finding of no significant impact to be the degree to which there is a scientific controversy relative to the results of the effects analysis, not whether one favors or opposes a specific action.

Based upon previous implementation of similar projects, the effects of the proposed actions on the quality of the human environment are not considered as highly controversial. Timber harvesting, refinements of the transportation system, age-class improvements to desired forest conditions, and wildlife habitat improvements are typical of the management actions that occur across the Forest and on many non-National Forest properties. While there are many different views about some of these specific management actions, the activities proposed are consistent with Forest Plan direction and best available science. Therefore, I have determined that the effects of the modified proposed action are not likely to be highly controversial.

**5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The effects of this action are not uncertain, and do not involve unique or unknown risks. The Forest Service has considerable experience with the types of activities to be implemented.

This action has occurred in the past on the Eagle River-Florence Ranger District as well as other areas of the Forest, and the effects are well-known. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see Chapter 3 of the EA).

**6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The action is not likely to establish a precedent for future actions with significant effects, because this action has occurred frequently in the past. It is not a new or unique action. Timber harvest, reforestation, upland opening maintenance, and refinements of the transportation system actions have been independently implemented on the Chequamegon-Nicolet National Forest in the past without requiring subsequent actions that may have significant effects. There is no unusual circumstance associated with this action that would indicate it is substantially different from actions in the past.

**7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

There would be no significant cumulative effects as a result of this project. I have reviewed the impacts of those past, present, and reasonably foreseeable actions described in the EA and find that this action will not have a significant cumulative impact on the environment.

**8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects in the Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.**

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and this action will also not cause loss or destruction of significant scientific, cultural, or historical resources (see the EA Cultural Resources section, p. 39).

**9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act.**

All federally listed species were considered for analysis in the Biological Evaluation; however, only those species with suitable habitat and at least a marginal potential of occurrence within the project area were analyzed in detail. The Biological Evaluation (BE) considered effects of the project on five federally listed species that were evaluated in detail. Of the five evaluated in detail, it was found there would be:

- 1) “No effect” for four of them: Rusty Patched Bumble Bee; Kirtland Warbler; Canada Lynx; and Fassett’s Locoweed.
- 2) “May affect, likely to adversely affect but not result in jeopardy”: The Northern Long-eared Bat was the only species to have this determination.

Northern Long-eared Bat (NLEB): This federally listed bat species has a “May affect, likely to adversely affect but not result in jeopardy” determination.

The proposed actions in the Fourmile project are likely to adversely affect individuals in stands roosting from summer harvesting, assuming that the species is present in the affected stands. However, this level of impact is not likely to result in jeopardy to the continued existence of the NLEB. Activities proposed by the Fourmile project are not prohibited by the final NLEB 4(d) Rule as these activities will not result in removing a known occupied maternity roost tree or removing any trees within 150 feet of a known occupied maternity roost tree from June 1 through July 31 remove trees within 0.25 mile of a hibernaculum at any time.

Potential effects of the action include direct effects to NLEB present within the Fourmile project area when activities are being conducted, and indirect effects as a result of changes in habitat suitability. The types of timber harvest activities that may affect habitat suitability include even-aged management (clearcut, shelterwood/seed tree). Direct effects include mortality, injury, harm, or harassment as a result of removal of roost trees, noise, and general human presence.

No summer maternity roosts are currently known on the Eagle River-Florence (ERFL) Ranger District

at this time. While not yet discovered, individual summer roosting trees or trees for maternity colonies may be removed during harvest treatments. However, bats will have suitable roosting habitat within or near the same location that can be utilized. While individual roosting trees or trees for maternity colonies may be removed during harvest treatments, bats would have suitable roosting habitat within or near the same location that can be utilized. Since roost switching is common and expected among these bat species, there is a high probability that with implementation of project guidelines for reserved trees, suitable roosting trees would be found. There is also a large quantity of suitable foraging and roosting habitat in and outside the project area on FS and non-FS lands (BE Table 3 and Table 4).

The project standard and guidelines, which include retaining closed canopy structure in mature forest within 200 feet of seasonal ponds, and leaving all snags possible in harvest areas, will reduce the potential for direct effects to the NLEB. However, the potential for direct effects from timber harvests, road-related activities, and associated human presence is greatest during spring and early summer (mid-April to July) when bats return from hibernation, spring temperatures result in periodic use of torpor, and non-volant (flightless) young may be present. In addition, bats impacted by WNS have additional energetic demands and reduced flight capability.

Indirect effects from the action may result from habitat modification and primarily involve changes to roosting and foraging suitability. Timber harvests and tree clearing associated with road-related activities could have both adverse (such as active season tree removal of a roost tree) and beneficial effects on habitat suitability for the NLEB. Given the scope of the projects in relation to the overall action area, these projects will not substantially alter the overall availability or suitability of NLEB roosting or foraging habitat in the action area.

The cumulative effects for the NLEB are summed up in the “NLEB Biological Assessment for the CNNF Batched Vegetation and Prescribed Fire/Fuels Reduction Management Projects (BVMP) 2003-2015 (pg. 15-18). Where it was determined that “there are 1,619,019 acres of potentially suitable summer roosting habitat inside the National Forest’s exterior boundary and an additional 1,555,693 acres of suitable habitat on state and private lands outside but within five miles of the National Forest Boundary. This provides an estimated 3,174,712 acres of suitable NLEB summer roosting habitat on all lands within and a five-mile buffer of and including lands within the CNNF exterior boundary. Of the over 3 million acres of potentially suitable summer NLEB roosting habitat on these lands, approximately 1,104,325 acres of habitat is estimated to be treated in some way from on-going vegetation projects on the Forest. This cumulatively would result in indirect effects to 35% of all potentially suitable summer roosting NLEB habitat if all projects were to occur simultaneously across this area. Because these projects take long periods to plan and implement, and because this does not account for in-growth of stands previously treated that would become 10 years old or greater during the implementation period, the actual cumulative effect to NLEB from these projects is anticipated to be less than the effects described here.”

On non-FS lands inside and adjacent to the project area, there are about 6,360 and 11,254 acres of habitat that may be suitable foraging and roosting respectively (Table 4 and Table 5). In that same area, harvest on MFL lands over the past 15 years totals 950 acres (0.07 % of total) and there is about 1,915 acres (0.14 % of total) of harvest planned in bat roosting habitat. All of this timber management on non-Forest lands may alter available NLEB summer roosting habitat but a very low percentage of the total habitat available. Additionally, based on the same rationale discussed above on Federal lands and that NLEB habitat is abundant and well distributed within the Forest, we anticipate that harvest activities on non-Forest lands will result in minimal cumulative effects to the species or its habitat. Further information can be found in the Biological Evaluation (BE) located in the project record.

US Fish and Wildlife Consultation: The USFWS determined that the incidental that is carried out in compliance with the interim 4(d) rule does not require exemption in an Incidental Take Statement.

Accordingly, there are no reasonable and prudent measures or terms and conditions that are necessary and appropriate for these actions because all incidental take has already been exempted. The activities that are covered by the interim 4(d) are as follows forest management activities, including various types of timber harvest, road construction and decommissioning, associated noise and general human presence, and site preparation.

The recent listing of the NLEB did not occur as a result of current population declines or viability concerns on the CNNF or in the state of Wisconsin. It was in response to the potential vulnerability to WNS and declining bat population in Midwest and eastern states and Canadian provinces as a result of WNS. The potential for WNS occurring on the CNNF is highly unlikely due to no known hibernacula's. The CNNF and this project area continue to provide essential summer roosting and foraging habitat and recent surveys show a good presence or absence occurrence and representation of bat species. The forest plan would continue to provide and protect those critical bat habitats during the period of year in which they utilize our CNNF the most.

This review concludes there will be "no effect" on any other federally-listed species. Populations or habitat of threatened or endangered species would not be altered in a detrimental way from implementation of the project. See the Biological Evaluation (BE) for a full analysis to support the determinations for all federally listed species evaluated. See Chapter 3 of the EA for a summary of affects.

#### **10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

This action does not threaten to violate any Federal, State or local laws imposed for protection of the environment. The action is consistent with the 2004 Forest Plan. This action will not have significant impacts on water quality, wetlands, soil resources, threatened and endangered species, or cultural resources (see Environmental Effects of the Proposed Action Section, pp. 12-19). I have considered relevant environmental laws in my decision (see the previous section [Findings Required by Other Laws]).

### **Conclusion**

After considering the environmental effects described in the environment assessment and specialist reports, I have determined that the proposed action will not have significant effects on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

### **Administrative Review and Objection Rights**

The Fourmile Vegetation Project is subject to the objection process pursuant to 36 CFR 218, subparts A and B.

#### **How to file an Objection and Timeframe**

Objections will only be accepted from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information that arose after the designated comment opportunity. The burden is on the objector to demonstrate compliance with this requirement for objection issues.

Objections must be submitted within 45 calendar days following the publication of this notice in *The*

*Northwoods River News*, Rhinelander, WI. If the 45-day filing period ends on a Saturday, Sunday or Federal holiday, the filing time is extended to the end of the next federal working day. Objections must be submitted by 11:59 p.m. central time on the closing date of the objection period. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection. It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9. All objections are available for public inspection during and after the objection process.

It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer. Timeliness must be determined by the following indicators: 1) the date of the U.S. Postal Service postmark for an objection received before the close of the fifth business day after the objection filing period; 2) the agency's electronically generated posted date and time for email and facsimiles; 3) the shipping date for delivery by private carrier for an objection received before the close of the fifth business day after the objection filing period; or 4) the official agency date stamp showing receipt of hand delivery. For emailed objections, the sender should receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of receipt of the objection, it is the sender's responsibility to ensure timely filing by other means.

Incorporation of documents by reference is permitted only as provided in §218.8(b) and at a minimum an objection must include the following (36 CFR 218.8(d)):

- 1) The objector's name and address, with a telephone number, if available;
- 2) A signature or other verification of authorship upon request (a scanned signature for Email may be filed with the objection);
- 3) When multiple names are listed on an objection, identification of the lead objector (verification of the identity of the lead objector must be provided upon request);
- 4) The name of the proposed project, the name and title of the Responsible Official, and the name of the National Forest and Ranger District on which the proposed project will be implemented; and
- 5) A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
- 6) A statement that demonstrates connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity for comment.

A written objection, including attachments, must be sent to:

Paul Strong, Forest Supervisor,

Objection Reviewing Officer,

USDA Forest Service,

500 Hanson Lake Road, Rhinelander, WI 54501

Hand-delivered objections may be submitted at the above address between 7:30 a.m. and 4:00 p.m., Monday through Friday, except on federal holidays or other official office closures.

The notice of objection may be faxed to: 715-369-8859, Paul Strong, Objection Reviewing Officer, USDA Forest Service, Rhinelander Office Chequamegon-Nicolet National Forest.

Objections may be submitted by email to: [objections-eastern-region@fs.fed.us](mailto:objections-eastern-region@fs.fed.us), Subject: Notice of Objection, Fourmile Vegetation Project. Acceptable formats for electronic objections are text (.txt), MS Word 6.0 or higher (.doc), portable document format (.pdf), or rich text format (.rtf).

## Implementation

As per 36 CFR 218.12, if no objection is received within the legal objection period, this decision may be signed and implemented on, but not before, the fifth business day following the close of the objection-filing period. If an objection is filed, this decision cannot be signed or implemented until the reviewing officer has responded in writing to all pending objections and all concerns and instructions identified by the reviewing officer in the objection response have been addressed.

## Project Contact

For additional information concerning this decision, contact: Karolyn Stillman, NEPA Planner by mail at 5638 Forestry Dr. Florence, WI 54121; by Phone: 715-528-4464 extension 2806, or by Email: [Karolyn.Stillman2@usda.gov](mailto:Karolyn.Stillman2@usda.gov). This and other project documents are also available on Fourmile Project website at <https://www.fs.usda.gov/project/?project=51959>.

Approved by:

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CHAD KIRSHBAUM  
Eagle River-Florence District Ranger

Date

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## References

Forest Plan – See U.S. Department of Agriculture, Forest Service (USDA FS).

U.S. Department of Agriculture, Forest Service (USDA FS). 2004. Chequamegon-Nicolet National Forests Land and Resource Management Plan (Forest Plan). R9-CN-FP. April 2004.

[www.fs.fed.us/r9/cnnf/natres/final\\_forest\\_plan/index.html](http://www.fs.fed.us/r9/cnnf/natres/final_forest_plan/index.html)

U.S. Department of Agriculture, Chequamegon-Nicolet National Forest, Eagle River-Florence Ranger District, Fourmile Environmental Assessment (EA).

U.S. Department of Agriculture, Chequamegon-Nicolet National Forest, Eagle River-Florence Ranger District, Fourmile Project Record.

Wisconsin Department of Natural Resources. 2010. Wisconsin's Forestry Best Management Practices for Water Quality: Field Manual for Loggers, Landowners, and Land Managers. Division of Forestry (Publication No. PUB-FR-093 2010).